

STATE OF NEVADA
BOARD OF HEARING AID SPECIALISTS

MINUTES

NOVEMBER 19, 2005

1. Call to Order and Roll Call

President Vander Wall called the meeting to order at 1:20 P.M. at the Spanish Springs Library, Conference Room, Sparks, Nevada. Roll call showed the following individuals present:

Board Members:

Dr. Kathleen Vander Wall, Chair
Tracy Sandborn, Secretary
Rick Vaughn, Member

Staff:

Christina Harper, Board Administrator
Shane Chestney, Deputy Attorney General (on behalf of Deputy Attorney General George Campbell)

Public:

There was no public present.

President Vander Wall determined that a quorum was present.

2. Approval of Minutes

A. June 11, 2005 Board Meeting Minutes

B. August 27, 2005 Board Meeting Minutes

Chair Vander Wall noted that the requested changes were made to the June 11, 2005 minutes. Member Vaughn moved to approve the June 11, 2005 Board meeting minutes, seconded by Member Sandborn. The motion passed unanimously.

Chair Vander Wall requested that a change be made to the August 27, 2005 minutes on page 6, Item D, 3rd paragraph, 4th line, ...two weeks out of the month [an] *and* only supervises and sponsors Mr. Lujan for those two...

Member Vaughn moved to approve the August 27, 2005 minutes as amended, seconded by Member Sandborn. The motion passed unanimously.

Chair Vander Wall questioned if Nichole Morbach was notified by letter/phone call that she is not allowed to practice until she secures another sponsor. Mrs. Harper responded that Ms. Morbach was notified with a phone call and written letter and she has returned her Hearing Aid Apprentice card.

3. Review Policy Procedure Manual

Chair Vander Wall stated that at the last exam all examinees signed a form indicating that there were no irregularities with the exam or during the examination. Chair Vander Wall would like to have all examinees sign this form at every exam and to add another form regarding the use of the equipment for the exam which would indicate if the examinee chose to use their own equipment or use the equipment provided in the exam room. The form should also note that the examinee was not forced to use the equipment provided and there were no problems with the equipment. It was stated that there also needs to be a witness at each exam along with the individual giving the exam.

Member Vaughn stated that previously when he administered the exam, only the witness and he signed the form. Member Vaughn did not feel that it is necessary for the examinees to sign the form.

It was indicated that the reason for this discussion is that at the exam given in July, one of the examinees contacted Member Vaughn and complained about using the equipment provided in the office, although she was given a choice to use her own equipment or the equipment in the office, and that she was treated unfairly as the exam was given in a competitor's office. It was noted that there is no advertising in any of the examination rooms.

Following a discussion, the Board agreed to place this issue on the next agenda for discussion on who should sign the form and if all examinees should sign the form.

There being no additions, amendments, or objections, President VanderWall stated that the Policy Manual remains as submitted. Mrs. Harper stated that this is a continuing agenda item for any changes or additions that the Board may want to make to the Policy Procedure Manual.

4. Report of Secretary/Treasurer

A. Financial Report

Mrs. Harper reviewed the account balance sheet. The Board has the following current assets as of October 31, 2005: checking account - \$17,885.42; funds in a CD account - \$21,173.49 for total assets of \$39,058.91. Mrs. Harper informed the Board that currently the Board is operating at a loss, due to the financial obligations of investigative work that was required to be performed on applicants and licensees.

Chair Vander Wall moved to accept the Financial Report as of October 31, 2005, seconded by Member Vaughn. The motion passed unanimously.

5. Report of Board Administrator

A. Application Profiles and Board Acceptance of those Applications

The Board scheduled the next exam for January 28, 2006 in Las Vegas at the Sears Training Room beginning at 9:30 A.M.

The Board reviewed the following licensure applications:

Following a review of Clarissa Silva's application, it was indicated that the following items were needed for her application to be complete: 1) employer verification from A Ent. and 2) personal reference letter from Kari Hodge. The Board agreed that if the two missing pieces of information were received, then Ms. Silva may sit for the next exam.

Following a review of Robert Lindstrom's application, it was indicated that his application was complete and the Board agreed that he may sit for the next exam.

Following a review of Steven Lehrohl's application, it was indicated that his application was complete and the Board agreed that he may sit for the next exam.

Following a review of Richard Lukengea's application, it was indicated that his application is missing his Utah State University transcript. The Board agreed that if the Utah State University transcripts are received, then Dr. Lukengea may sit for the next exam.

Following a review of Steven Hwang's application as an apprentice, it was indicated that the application for an apprentice license is in order. Mr. Hwang was approved as an apprentice with Walter Kelly as his sponsor. Mr. Hwang will be notified by letter along with his Hearing Aid Apprentice card.

B. Review of Licensee Examination Results from October 2005

Mrs. Harper stated that Angela Moughis, Carol Erickson, and Donald Stephens all passed the licensee examinations. They have been notified by mail of the initial licensure fee and when the fee is received, their wall certificate license and licensure card will be mailed to them and then they may begin practicing as a Hearing Aid Specialist.

C. Review of Quarterly Reports for Apprentices

The Board reviewed the quarterly reports from the following Apprentices: Robert Lindstrom; Timothy Blake; Angela Moughis; and Elizabeth Lynner. It was noted that a quarterly report from Ken Lujan (Rusty Van Hoose – sponsor) was missing.

The Board directed Mrs. Harper to send a letter to Ken Lujan, with a copy to Rusty Van Hoose, indicating that the quarterly apprentice report was missing and if not received, will be placed on the next agenda for discussion of possible disciplinary action. The Board requested that the NAC that indicates direct supervision by a sponsor be referenced in the letter. The Board requested that the apprentice report be received by the Board office five (5) days from the date Mr. Lujan receives the letter. Mr. Lujan may either fax or mail the report to the Board office. The letter to Mr. Lujan will be sent certified mail.

It was noted that the apprentice reports are to cover from January – March and submitted on April 1st; April – June and submitted on July 1st; July – September and submitted on October 1st; and October – December and submitted on January 1st.

Member Vaughn noted for the record that he has received numerous phone calls from licensed Hearing Aid Specialists indicating that Ken Lujan is working without direct supervision of a sponsor. Member Vaughn stated that he has called the office and Mr. Lujan is in the office, but there is no evidence that he is performing acts as a hearing aid specialist.

The Board stated that in a review of the apprentice reports, all reports received were appropriate and in good standing.

6. Report of Board Chair
A. Schedule Next License Examination

The Board scheduled the next exam for January 28, 2006 in Las Vegas beginning at 9:30 A.M.

B. Schedule Next Board Meeting

The Board scheduled the next Board meeting for February 18, 2006 in Reno.

7. Discussion and Development of Legislative Bill Draft for 2007 Legislature

The Board reviewed the bill draft requests that were submitted to the Governor and rejected by the 2005 Legislature.

The Board discussed the following topics for bill draft requests: increase in licensure fees; limiting the amount of time an individual may allow their license to lapse from five years to 3 months;

The Board discussed contacting Senator Heck and having him sponsor the bill draft requests on behalf of the Board.

The Board also suggested obtaining the numbers of the 2003 Legislative bill draft SB 169, as a proposal to the legislature and to propose an increase of licensure fees with a cap.

The Board discussed that the explanation needs to be how an increase in licensure fees would be used to conduct investigations into complaints and how that would benefit the public and help the elderly from being taken advantage. It was also suggested to indicate the number of Hearing Aid Specialists in the State of Nevada.

Mrs. Harper stated that she will gather information and draft some language for review at the February meeting for review, discussion, and action.

8. Review and Decision on the Following Complaints:

#05-10-075 – Following a review of the complaint, Member Sandborn moved for the Specialist to provide an appropriate refund of all the client's money minus a total of \$150 for two ear impressions or \$75 per hearing aid for one ear impression, seconded by Member Vaughn. The motion passed unanimously. It was indicated that the client had a hearing test, ordered hearing aids, cancelled the hearing aid order the next day, and has never taken possession of the hearing aids.

The Board directed Mrs. Harper to send a letter to the Hearing Aid Specialist indicating that there was a non-response to this complaint, if this continues the Board will take disciplinary action which may include a fine and up to revocation of the license.

Chair Vander Wall moved that the Specialist named in #05-10-075 be notified that his non-compliance for providing records as requested by the Board will be discussed at the next meeting and will be placed on the next agenda for discussion and possible disciplinary action, and for Mrs. Harper to work with Deputy Attorney George Campbell in the coordination of the procedures for the disciplinary action hearing, seconded by Members Sandborn and Vaughn. The motion passed unanimously.

#05-09-076 – Following a review of the complaint, Chair Vander Wall moved to dismiss this complaint, seconded by Member Vaughn. The motion passed unanimously.

#01-01-010 – Member Sandborn moved to dismiss the complaint, seconded by Chair Vander Wall. The motion passed unanimously. The Specialist stated that the client has received the hearing aids and has received a refund as of February 22, 2001. It was noted that a letter was received from the client and indicated that they have received a credit from their credit card company for the cost of the hearing aids.

#00-08-003 – Member Vaughn moved to dismiss the complaint as the client has received a refund, seconded by Chair Vander Wall. The motion passed unanimously. It was noted that the Specialist has retained a fee of \$150 per hearing aid, per the regulations in effect at that time, and refunded the remaining funds to the client's credit card. The Board directed Mrs. Harper to include in the dismissal of the complaint letter to the client a statement that indicates that if they have not received a refund to contact the Hearing Aid Board office as soon as possible, otherwise the complaint file will be closed.

#02-01-050 – It was noted that the Specialist indicates that the hearing aids were never lost and they were repaired with the proper documents. The Specialist also indicated that the client was notified numerous times to pick up the hearing aids and the client never responded, as such the Specialist mailed the hearing aids to the client on September 22, 2002 and has not heard from the client since.

Member Vaughn stated that in order to make it clear who is responsible for a refund to a client – the Specialist or the Office - his office has defined that the Office is responsible for the refund in the contract that the client and Specialist sign.

This complaint was placed on hold for discussion until later in the meeting.

#01-01-007 – Chair Vander Wall moved to dismiss the complaint, seconded by Member Sandborn. The motion passed unanimously. It was noted that this complaint is over five years old and the records for this client cannot be located.

#0300075 – Chair Vander Wall moved to dismiss the complaint, seconded by Member Sandborn. The motion passed unanimously. It was noted that this complaint is over five years old and the records for this client cannot be located.

#01-01-006 – Chair Vander Wall moved to dismiss the complaint, seconded by Member Sandborn. The motion passed unanimously. It was noted that this complaint is over five years old and the records for this client cannot be located.

#1099090 – Chair Vander Wall moved to dismiss the complaint, seconded by Member Sandborn. The motion passed unanimously. It was noted that this complaint is over five years old and the records for this client cannot be located.

#10000090 – Chair Vander Wall moved to dismiss the complaint, seconded by Member Sandborn. The motion passed unanimously. It was noted that this complaint is over five years old and the records for this client cannot be located.

#0700199 – Chair Vander Wall moved to dismiss the complaint, seconded by Member Sandborn. The motion passed unanimously. It was noted that this complaint is over five years old and the records for this client cannot be located.

#01-02-015 – Chair Vander Wall moved to dismiss the complaint, seconded by Member Sandborn. The motion passed unanimously. It was noted that this complaint is over five years old and the records for this client cannot be located.

#01-03-017 – Chair Vander Wall moved to dismiss the complaint, seconded by Member Sandborn. The motion passed unanimously. It was noted that this complaint is over five years old and the records for this client cannot be located.

#01-01-002 – Member Sandborn moved to dismiss the complaint as the client has received a full refund, seconded by Member Vaughn. The motion passed unanimously.

Mrs. Harper stated that she will place a statement in the letter that if the client has not received a refund to please contact the Board office.

#01-08-032 – Chair Vander Wall moved to dismiss the complaint as the client did sign the medical waiver, seconded by Member Vaughn. The motion passed unanimously.

#00-08-005 – Chair Vander Wall moved to dismiss the complaint, seconded by Member Sandborn. The motion passed unanimously. It was noted that the client did not request a timely refund.

#02-01-050 – Chair Vander Wall moved to dismiss the complaint, seconded by Member Sandborn. The motion passed unanimously. It was noted that the Specialist states that the hearing aids were not lost and the hearing aids were mailed to the client.

The Board noted that it is unacceptable that there were so many complaints that were noted for further investigation by the members of the previous board and the complaints did not have further investigation due the issue of finding a qualified investigator was very difficult. This Board has vowed to obtain the required information on complaints and resolve the issues quickly for the benefit of the client and the Hearing Aid Specialist.

9. Public Comment

There were no public comments.

Member Vaughn stated that the licensure application is not on the web site. Mrs. Harper stated that she is in the process of getting the application on the web site.

Mrs. Harper indicated that new letterhead has been ordered and received with current Board Member names. Mr. Chestney suggested, to save money, printing out letterhead from the computer and not having it printed at the print shop.

10. Adjournment of Meeting

Chair Vander Wall moved to adjourn the meeting at 3:45 P.M., seconded by Member Sandborn. The motion passed unanimously.